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2001P15530US

PATENT APPLICATION
10/057,466

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REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 18, 2005. At the time of the Office Action, Claims 1-42 were pending in this Application. Claims 1-42 were rejected. Claims 1, 12 and 33 have been amended. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 1-6, 12-17, 23-29, and 32-39 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by Ke Du (U.S. patent 6,307,884). Applicants respectfully disagree. Applicant amended independent claims 1, 12, and 33 to more clearly define the present invention. Thus, Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1997). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicant respectfully submits that the cited art as anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

According to the present application, a multilevel decision feedback equalizer comprises at least two feedback equalizers. However, as disclosed, for example, in paragraph [0018] of the originally submitted specification, only a single decision feedback equalizer is active as long as a predefined error threshold is not exceeded. Only if this threshold is exceeded, then the first decision equalizer activates the second decision equalizer. Once both equalizers are activated, at

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a certain point in time a decision is made which equalizer is to be selected. Upon selection, the respective other equalizer can then be de-activated. Applicant amended independent claims 1, 12 and 33 to include the limitations that the second equalizer is activated depending on the error signal processed in the first equalizer. With respect to independent claim 23, Applicant believes that this claim already included this limitation. According to this claim, "at least two sequences of digital symbols" are processed if the uncertainty processed in the sequence of digital symbols is above a certain threshold. Thus, the processing implies that only a single sequence is processed as otherwise it would not make any sense to process two sequences upon occurrence of a specific event.

Du et al. does not disclose this functionality. On the contrary, Du discloses throughout the description to use both decision equalizers always in parallel. No decision is made with respect to activate an additional decision equalizer.

With respect to dependent claim 9 and 32, the Examiner stated that Du et al. discloses the limitation of transferring at least one parameter from one equalizer to the other in col. 7, lines 33-37. Applicant respectfully disagrees. Du et al. merely discloses to reset the attenuator values of both attenuator to a predetermined value, for example 0.9. However, Du et al. does not disclose to transfer any parameter from one decision equalizer to the other.

Therefore, Applicant believes that independent claims 1, 12 and 33 and at least dependent claims 9 and 32 are not anticipated by any of the prior art.

Dependent claims rejection

With respect to the remaining dependent claims, these claims include all the limitations of the independent claims from which they depend. Thus, these claims are allowable at least to the extent of the independent claims.

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CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the claims as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 19-2179.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact the undersigned.

Date:

30 June 05

Respectfully submitted,

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